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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**[PROPOSED] ORDER GRANTING  
MOTION TO CERTIFY POST-TRIAL  
ORDER FOR INTERLOCUTORY  
REVIEW**

1 Before the Court is Plaintiff's Motion to Certify Order for Interlocutory Appeal. After  
2 considering the motion, the Court is of the opinion it should be GRANTED.

3 IT IS THEREFORE ORDERED that Plaintiff's Motion to Certify Order for Interlocutory  
4 Appeal is hereby GRANTED. The Court's order of April 13, 2022 (Dkt. No. 328), is  
5 AMENDED, pursuant to 28 U.S.C. § 1292(b) and Federal Rule of Appellate Procedure 5(a)(3),  
6 to state that the question of whether a district court reviewing a jury's award of emotional  
7 distress damages may base its determination of what constitutes the maximum amount supported  
8 by the evidence in material part upon a comparative analysis of emotional distress verdicts issued  
9 by other juries in other jurisdictions in prior cases involving somewhat similar facts, presents a  
10 controlling question of law as to which there is substantial ground for difference of opinion and  
11 that an immediate appeal from the order may materially advance the ultimate termination of this  
12 litigation.

13 **IT IS SO ORDERED.**

14  
15 DATED: \_\_\_\_\_

16 \_\_\_\_\_  
17 William Orrick III  
18 United States District Court Judge  
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